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| 09/829,794      | 04/10/2001  | Nicolas Regent       | FR 000036           | 1894             |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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| EXAMINER |
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DEAN, RAYMOND S

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| ART UNIT | PAPER NUMBER |
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2684

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/829,794

Applicant(s)

REGENT, NICOLAS

Examiner

Raymond S. Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 - 14 is/are rejected.  
7) ☒ Claim(s) 15 - 20 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed June 21, 2005 regarding Claims 1 – 14 have been fully considered but they are not persuasive.

Examiner agrees with Applicant on the point that Callicotte does not discuss power failure. Callicotte, however, as explained in the Office Action dated May 9, 2005, does teach a start time that is periodically updated after said current time (See both Column 4 lines 8 – 24 and Column 5 lines 15 – 25). The call processor calculates the restart times for the required circuits that enable the mobile phone to wake up and monitor the paging channel, said mobile phone will wake up in intervals to monitor the paging channel thus said call processor will always know the start times for said waking up such that the required circuits germane to said waking up will always be restarted on time. There will therefore be a periodic updating of said start times such that the call processor will always know the start times. Oda and Callicotte both teach a mobile phone powered by a battery thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the call processor taught above by Callicotte in the mobile phone of Oda for the purpose of creating a slotted paging mode

Art Unit: 2684

in said mobile phone thereby enabling said mobile phone to reduce it's on time to a minimum and to power down as much of itself as possible during sleep periods thus extending the life of said battery as taught by Callicotte. **The suggestion for the combination comes from the Callicotte reference.** In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Examiner agrees with Applicants assertion that Callicotte does not discuss when the communication device is stopped by accident. Oda, however, does discuss when the communication device is stopped by accident (See Column 2 lines 18 – 22). It would have been obvious to combine Oda and Callicotte for the same reasons as set forth above.

Regarding Claim 1, Examiner respectfully disagrees with Applicants assertion that Callicotte does not teach periodically updating the start time after said current time, the electric power supply for the updating means being ensured solely by the main power source for the same reasons as set forth in the Office Action dated May 9, 2005 (Please see both Column 4 lines 8 – 24 and Column 5 lines 15 – 25). In order for the call processor to coordinate the entry and exit into the sleep mode the call processor

Art Unit: 2684

must calculate the restart times for the required circuits, such as the oscillator, the RF portion of the analog front end, and the reference timer, that enable the mobile phone to wake up and monitor the paging channel, said mobile phone will wake up in intervals to monitor the paging channel thus said call processor will always know the start times for said waking up such that the required circuits germane to said waking up will always be restarted on time. There will therefore be periodic updating of said start times such that the call processor will always know the start times. The call processor has stored programs that enable the mobile phone to be programmed to wake up and monitor the paging at intervals of time thus Callicotte teaches a programmable time period. There is indication in Callicotte (See Background Column 1 lines 33 – 39) that would give a person skilled in the art an indication that it would be possible to use the programmable time period provided by the call processor of Callicotte with a reasonable expectation of success. The combination of the mobile phone of Oda and the call processor of Callicotte, which provides programmable and updated time periods, produces a mobile phone with slotted paging mode that enables said mobile phone to reduce it's on time to a minimum and to power down as much of itself as possible during sleep periods thus extending the life of mobile phone battery. Since Oda and Callicotte both teach mobile phones with central processors one of ordinary skill in the art would be able to modify the processor circuitry of Oda with the call processor circuitry of Callicotte with a reasonable expectation of success.

Regarding Claim 2, Examiner agrees with Applicants assertion that Callicotte does not teach a clock associated to an auxiliary power source. Oda, however, teaches

a clock associated to an auxiliary power source (See Figure 1, Column 2 lines 37 – 48). Examiner respectfully disagrees with Applicant on the point that Callicotte does not teach a programmable start time for the same reasons as set forth in the Office Action dated May 9, 2005 and for the same reasons as set forth above.

Regarding Claims 3 and 6 – 8, Examiner respectfully disagrees with Applicants assertion for the same reasons as set forth regarding Claims 3 and 6 – 8 in the Office Action dated May 9, 2005.

Regarding Claim 9, Examiner respectfully disagrees with Applicants assertion for the same reasons set forth regarding Claim 9 in the Office Action dated May 9, 2005. Applying the broadest reasonable interpretation to the word seconds, seconds comprises milliseconds.

Regarding Claim 10, Examiner respectfully disagrees with Applicants assertion for the same reasons set forth regarding Claim 10 in the Office Action dated May 9, 2005.

Regarding Claim 11, Examiner respectfully disagrees with Applicants assertion. Typical CPUs comprise a plurality of parts such as a core processor or part, an arithmetic logic unit, and a storage part thus Oda teaches a processing unit comprising a plurality of parts that can be supplied with power by the main power source or the auxiliary power source if the main power fails.

Regarding Claim 12, Examiner respectfully disagrees with Applicants assertion for the same reasons set forth regarding Claim 12 in the Office Action dated May 9, 2005.

Regarding Claim 13, Examiner respectfully disagrees with Applicants assertion for the same reasons set forth above regarding Claim 9.

Regarding Claim 14, Examiner respectfully disagrees with Applicants assertion for the same reasons set forth above regarding Claim 10.

3. Applicant's arguments, see amendment filed June 21, 2005 with respect to Claims 15 – 20 have been fully considered and are persuasive. The rejection of said claims has been withdrawn.

The prior art of record fails to teach or show when the communication device is stopped by accident, the first part of the processing section is not supplied power and the second part of said processing section is supplied power from an auxiliary power source. Claims 16, 17, and 19 depend on Claim 15, Claim 18 depends on Claim 17, and Claim 20 depends on Claim 19 therefore examiner gives same reason as set forth above.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3 and 5 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Callicotte et al. (5,910,944).

Regarding Claim 1, Oda teaches a communication device equipped with an automatic operation-keeping system, comprising: a main power source (Figure 1, Column 3 lines 12 – 14), a processing unit supplied with power by the main power source (Figure 1, power source (150)) and means for starting the device, characterized in that the means for starting the device further includes a clock associated to an auxiliary power source to produce a current time (Figure 1, Column 2 lines 37 – 48, the clock will keep track of the current time so that there can be a record of when the main power source failed and when said main power source was restored).

Oda does not teach a means for starting the device at a programmable start time, characterized in that the means for starting the device further includes: a means for automatically and periodically updating the start time after said current time, the electric power supply for the updating means being ensured solely by the main power source.

Callicotte teaches a means for starting the device at a programmable start time (Column 4 lines 8 – 18, the mobile phone can be programmed to wake up and monitor the paging channel), characterized in that the means for starting the device further includes: a means for automatically and periodically updating the start time after said current time (Column 4 lines 8 – 24, Column 5 lines 15 – 25, the call processor calculates the restart times for the required circuits that enable the mobile phone to wake up and monitor the paging channel, said mobile phone will wake up in intervals to



Art Unit: 2684

monitor the paging channel thus said call processor will always know the start times for said waking up such that the required circuits germane to said waking up will always be restarted on time), the electric power supply for the updating means being ensured solely by the main power source (Figure 1, the battery (150) provides the power to all of the circuits that the mobile phone (104) comprises).

Oda and Callicotte both teach a mobile phone with a battery thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the call processor taught above by Callicotte in the mobile phone of Oda for the purpose of creating a slotted paging mode in said mobile phone thereby enabling said mobile phone to reduce it's on time to a minimum and to power down as much of itself as possible during sleep periods thus extending the life of said battery as taught by Callicotte.

Regarding Claim 2, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 1. Callicotte further teaches the automatic updating means for updating the start time (Column 4 lines 8 – 24, Column 5 lines 15 – 25, the call processor calculates the restart times for the required circuits that enable the mobile phone to wake up and monitor the paging channel, said mobile phone will wake up in intervals to monitor the paging channel thus said call processor will always know the start times for said waking up such that the required circuits germane to said waking up will always be restarted on time).

Regarding Claim 3, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 1. Callicotte further teaches a register for storing start times (Column 4

Art Unit: 2684

lines 8 – 24, Column 5 lines 15 – 25, the call processor calculates the restart times for the required circuits that enable the mobile phone to wake up and monitor the paging channel, said mobile phone will wake up in intervals to monitor the paging channel thus said call processor will always know the start times for said waking up such that the required circuits germane to said waking up will always be restarted on time, the call processor controls when the mobile phone wakes up to monitor the paging channel according to the instructions, which include the start times for waking up, sent by the base station, said start times must be stored in memory such that the call processor can determine the restart times of the germane circuits), updated by automatic updating means to a time D, so that  $D = t + N$ , where N is a time value higher than or equal to a start interval and where t is the current time (Column 4 lines 8 – 24, the mobile phone will wake up and monitor the paging channel in intervals which means that said mobile phone will wake up and monitor the paging channel at a later time which is the current time + an increment in time).

Regarding Claim 5, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 1. Oda further teaches the device is a portable telephone (Figure 1, Column 3 lines 8 – 10).

Regarding Claim 6, Oda teaches a method of keeping a communication device in operation after it has been stopped accidentally, in which when the communication device is stopped by accident, a new start is automatically made (Column 2 lines 18 – 22).

Oda does not teach when the communication device is in operation, an automatic programmable start time is regularly updated to come after a current time and a new start is automatically made the moment when the current time established by a permanent clock coincides with the previously updated start time.

Callicotte teaches when the communication device is in operation, an automatic programmable start time is regularly updated to come after a current time (Column 4 lines 8 – 24, Column 5 lines 15 – 25, the call processor calculates the restart times for the required circuits that enable the mobile phone to wake up and monitor the paging channel, said mobile phone will wake up in intervals to monitor the paging channel thus said call processor will always know the start times for said waking up such that the required circuits germane to said waking up will always be restarted on time) and a new start is automatically made the moment when the current time established by a permanent clock coincides with the previously updated start time (Column 4 lines 8 – 24, the mobile phone will wake up and monitor the paging channel in intervals which means that said mobile phone will wake up and monitor the paging channel at a later time which is when the current time becomes the start time).

Oda and Callicotte both teach a mobile phone with a battery thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the call processor taught above by Callicotte in the mobile phone of Oda for the purpose of creating a slotted paging mode in said mobile phone thereby enabling said mobile phone to reduce it's on time to a minimum and to power down as much of itself as

Art Unit: 2684

possible during sleep periods thus extending the life of said battery as taught by Callicotte.

Regarding Claim 7, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 6. Callicotte further teaches in which the start time is updated by adding a time increment to the current time (Column 4 lines 8 – 24, the mobile phone will wake up and monitor the paging channel in intervals which means that said mobile phone will wake up and monitor the paging channel at a later time which is the current time + an increment in time).

Regarding Claim 8, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 7. Callicotte further teaches in which the start time is updated with a shorter interval than a value of the time increment (Column 6 lines 1 – 14, if a coarse resolution is chosen there will be a smaller number of sleep clock signal periods counted which means that the time duration of the sleep mode will be reduced thus the interval between a sleep period and a wake up period will be shorter).

Regarding Claim 9, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 1. Callicotte further teaches the start time is measured from the current time as an instantaneous value in seconds (Column 4 lines 16 – 18, the mobile phone wakes up and monitors the paging channel for 160 milliseconds which means that the interval between the sleep period and the wake up period can be measured in seconds).

Regarding Claim 10, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 9. Callicotte further teaches wherein the number of seconds

in the instantaneous value is measured as a number of pulses of the clock (Figure 1, Column 4 lines 10 – 13, Column 4 lines 33 – 40, Column 4 lines 60 – 64, the oscillator is a reference clock for both the timing controller and call processor, said oscillator generates clock pulses).

Regarding Claim 11, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 1. Oda further teaches a first part that is supplied with power by the main power source and a second part that can be supplied with power either by the main power or auxiliary power source if the main power fails (Figure 1, typical CPUs comprise a plurality of parts such as a core processor or part, an arithmetic logic unit, and a storage part thus Oda teaches a processing unit comprising a plurality of parts that can be supplied with power by the main power source or the auxiliary power source if the main power fails).

Regarding Claim 12, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 11. Callicotte further teaches at least one register for retaining the current time and the start time (Column 4 lines 8 – 24, Column 5 lines 15 – 25, the call processor calculates the restart times for the required circuits that enable the mobile phone to wake up and monitor the paging channel, said mobile phone will wake up in intervals to monitor the paging channel thus said call processor will always know the start times for said waking up such that the required circuits germane to said waking up will always be restarted on time, said start times will be stored in memory such that the call processor will always know when to restart the required circuits, in order to determine if the start times have arrived the call processor must keep track of

Art Unit: 2684

the current time so that there can be a comparison between said start times and said current time).

Regarding Claim 13, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 6. Callicotte further teaches the start time is measured from the current time as an instantaneous value measured in seconds (Column 4 lines 16 – 18, the mobile phone wakes up and monitors the paging channel for 160 milliseconds which means that the interval between the sleep period and the wake up period can be measured in seconds).

Regarding Claim 14, Oda in view of Callicotte teaches all of the claimed limitations recited in Claim 13. Callicotte further teaches wherein the number of seconds in the instantaneous value is measured as a number of pulses of the clock (Figure 1, Column 4 lines 10 – 13, Column 4 lines 33 – 40, Column 4 lines 60 – 64, the oscillator is a reference clock for both the timing controller and call processor, said oscillator generates clock pulses).

### ***Allowable Subject Matter***

6. The following is a statement of reasons for the indication of allowable subject matter:

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record fails to teach or show when the communication device is stopped by accident, the first part of the processing

section is not supplied power and the second part of said processing section is supplied power from an auxiliary power source. Claims 16, 17, and 19 depend on Claim 15, Claim 18 depends on Claim 17, and Claim 20 depends on Claim 19 therefore examiner gives same reason as set forth above.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus. Most facsimile-transmitted patent application related

Art Unit: 2684

correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.



Raymond S. Dean  
June 29, 2005

**EDAN ORGAD**  
**PATENT EXAMINER/TELECOMM.**

*Ed. 1/8/05*